

## Message Text

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71

ACTION EB-11

INFO OCT-01 ARA-16 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 L-03 SS-20 NSC-10 AGR-20

TRSE-00 DRC-01 /102 W

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R 241543Z OCT 73

FM AMEMBASSY NASSAU

TO SECSTATE WASHDC 4781

UNCLAS NASSAU 1569

E. O. 11652: N/A

TAGS: ETRN BF

SUBJ: CIVAIR - PRECLEARANCE

1. AT THE END OF OCTOBER 23 MEETING WITH MINISTER OF EXTERNAL AFFAIRS PAUL ADDERLEY ON A RANGE OF OTHER TOPICS, ADDERLEY RAISED SUBJECT OF PRECLEARANCE AGREEMENT.
2. ADDERLEY SAID HE WAS UNDER PRESSURE TO COMPLETE HIS REVIEW OF THE PROPOSED AGREEMENT, YET WAS UNABLE TO DO SO BECAUSE OF PROBLEMS HE HAD WITH ARTICLES 2D AND E AND ARTICLE 5. HE SAID HE UNDERSTOOD THE OBJECTIVE OF THE ARTICLES, AND, OF COURSE, OF THE NEED FOR SOMETHING LIKE THEM, BUT, HE SAID, IT WAS NOT POSSIBLE FOR THE GCOB TO SIGN A PRECLEARANCE AGREEMENT WHICH BROUGHT US RATHER THAN BAHAMIAN LAW INTO FORCE IN THE BAHAMAS.
3. ACCORDINGLY, ADDERLEY WONDERED WHETHER THE USG COULD MAKE AVAILABLE A LAWYER, WELL-VERSED IN WHAT IS NEEDED OPERATIONALLY FOR THE PRECLEARANCE TEAM, WITH WHOM HE COULD SIT DOWN AND, TRANSLATING US OPERATIONAL REQUIREMENTS INTO SPECIFIC GCOB LEGAL OBLIGATIONS, REWRITE THOSE PORTIONS OF THE PROPOSED AGREEMENT.
4. THE KIND OF PROBLEM THAT TROUBLES ADDERLEY WAS ILLUSTRATED BY HIM IN THE CASE OF LIMES. ADDERLEY SAID THAT WHILE IT MAY BE AGAINST US LAW TO BRING LIMES INTO THE US, IT WAS NOT, AND UNCLASSIFIED

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COULD NOT BE, AGAINST BAHAMIAN LAW TO BE IN POSSESSION OF LIMES

AT THE AIRPORT OR TO BE AN ACCOMPLICE TO ONE WHO POSSESSES THEM. THE OBLIGATION ASSUMED BY THE GCOB DELEGATION IN THE AUGUST 17 TALKS WENT FURTHER THAN IT WAS POSSIBLE FOR THE GCOB TO GO WITH RESPECT TO NEW LAWS ALTHOUGH, ADDERLEY WAS QUICK TO POINT OUT, THERE WERE CERTAINLY WAYS TO HANDLE THESE PROBLEMS.

5. THE ASSISTANCE HE SEEKS IS IN THE AREA OF FINDING A DIFFERENT WAY TO MEET THE GCOB'S LEGAL OBLIGATIONS.

6. ACTION REQUESTED: AMBASSADOR TOLD ADDERLEY WE WOULD RELAY HIS REQUEST FOR LEGAL ASSISTANCE. WE NOTE THAT H. ROWAN GATHER OF THE LEGAL ADVISERS OFFICE WAS A MEMBER OF THE US TEAM AT THE AUGUST 17 TALKS. COULD GAITHER BE MADE AVAILABLE FOR TDY CONSULTATIONS WITH MINISTER ADDERLEY? IF NOT, ANOTHER DEPARTMENT LEGAL REPRESENTATIVE OR A LAWYER FROM ONE OF THE PRECLEARANCE AGENCIES SHOULD BE MADE AVAILABLE.  
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## Message Attributes

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